

August 9, 2016

**TO: ALL POTENTIALLY INTERESTED PARTIES:**

**RE:** City of Center (CWSRF Project No. 73623) – Force Main Project

The attached document is being provided for your information. This is not a permit application. No action is being requested from your agency and no response is required.

The attached document is an environmental determination issued by the Texas Water Development Board (TWDB) for a proposed project to be funded through the TWDB. Pursuant to the environmental assessment requirements of 31 Texas Administrative Code (TAC) Chapter 375, Subchapter E, the Executive Administrator of the TWDB has determined that the proposed action described in the attached documents may be exempted from formal environmental review requirements. A review by TWDB staff included a consideration of potential environmental impacts and permitting requirements. If there were any concerns about particular regulations or permits, the appropriate regulatory agency would have been contacted for clarification, and this would be described in the attached environmental determination.

Comments regarding this determination may be submitted to the Director of Regional Water Planning and Development, TWDB, P.O. Box 13231, Austin, Texas 78711-3231.

August 9, 2016

## **CATEGORICAL EXCLUSION**

### **TO ALL INTERESTED AGENCIES AND PUBLIC GROUPS:**

In accordance with the Texas Water Development Board (TWDB) environmental review process established at 31 Texas Administrative Code (TAC) Chapter 375, Subchapter E, for projects to be funded through the Clean Water State Revolving Fund (CWSRF) Program, and consistent with the National Environmental Policy Act, 42 U.S. Code §4321, et seq., the Executive Administrator of the TWDB has determined that the proposed action identified below may be exempted from formal environmental review requirements:

City of Center, Shelby County  
Force Main Project  
CWSRF Project No. 73623  
Total TWDB Commitment: \$2,070,000

The City of Center (City) is proposing to replace an existing sanitary sewer line with a 14-inch diameter force main. This project element was not included in the Finding of No Significant Impact (FNSI) issued for the City's Sewer Collection System Improvements project on April 10, 2014. The Sewer Collection System Improvements project includes the following project components: (1) installation of approximately 17,123 linear feet of 6-inch to 12-inch gravity sewer lines; (2) construction of a new lift station with a design flow of 343 gallons per minute (gpm) and peak flow of 1,030 gpm; and (3) work required to decommission the following six lift stations: Pate, Pine Street, Riggs, Rogers, San Augustin, and U.S. 96. The proposed force main would connect to a proposed gravity sewer line near the current Riggs Lift Station and terminate at the City of Center Wastewater Treatment Plant. The project will require adequate valves, fittings, and all necessary appurtenances.

The proposed force main will be installed within five feet of the existing sanitary sewer line. Environmental impacts should be limited to activities associated with excavation, pipe installation, and road repair. TWDB staff has reviewed the Texas Historical Commission's (THC) Archeological Sites Atlas. According to the THC's Archeological Sites Atlas, there are no previously recorded significant or potentially significant sites on or adjacent to the project site, nor is the site within a protected area surrounding an historic cemetery, structure, or district.

TWDB staff conducted a desktop review of the United States Geological Survey (USGS) National Hydrography Dataset (NHD). According to the review of the USGS NHD, the proposed 14-inch diameter force main intersects an intermittent tributary that flows to Prairie Creek. The City is proposing to use directional boring at stream crossings; therefore, no impacts to wetlands or waters of the U.S. that are under the jurisdiction of the U.S. Army Corps of Engineers are anticipated.

Texas Parks and Wildlife (TPWD) was afforded the opportunity to review the project. The City received a letter dated July 18, 2016 from TPWD with the following recommendations:

### ***Migratory Bird Treaty Act***

- If clearing vegetation during nesting season is unavoidable, TPWD recommends surveying the construction area to ensure that no nests with eggs or young will be disturbed by construction. Any vegetation or bare ground areas where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.

### ***State-Listed Species***

- Because snakes are generally perceived as a threat and killed when encountered during clearing or construction, TPWD recommends the City inform employees and contractors of the potential for state-listed threatened timber rattlesnake and Northern scarlet snake to occur in the project area. Contractors should be advised to avoid impacts to these and other snakes. Compared to other rattlesnakes, the timber rattlesnake is a rather docile species. Injury to humans usually occurs when the snake becomes agitated following harassment or when someone attempts to handle a recently dead snake that will contain its bite reflex. Therefore, contractors should avoid contact with species if encountered and allow the snake to safely leave the premises.
- For encounters with rare species that will not readily leave the premises, TPWD recommends a permitted individual translocate the animal. Translocations of reptiles should be a minimum distance possible no greater than one mile, preferably within 100 - 200 yards from the initial encounter location. As a reminder, for the purposes of relocation, surveys, monitoring, and research, terrestrial state-listed species may only be handled by persons authorized through the TPWD Wildlife Permits Office, <http://www.tpwd.texas.gov/business/permits/land/wildlife/research>.
- TPWD recommends that contractors keep trenching and backfilling crews close together to minimize the amount of trenches left open at any given time during construction. TPWD recommends that any open trenches or excavation areas be covered overnight and/or inspected every morning to ensure no reptiles or other wildlife species have been trapped. Trenches left open for more than two daylight hours should be inspected for the presence of trapped reptiles prior to backfilling. If trenches cannot be backfilled the day of initial trenching, then escape ramps should be installed at least every 90 meters. Escape ramps can be short lateral trenches or wooden planks sloping to the surface of an angle of less than 45 degrees (1:1).
- For soil stabilization and/or revegetation of disturbed areas within the proposed project area, TPWD recommends erosion and seed/mulch stabilization materials that avoid entanglement hazards to snakes and other wildlife species. Because the mesh is found in many erosion control blankets or mats pose an entanglement hazard to wildlife TPWD recommends the use of no-till drilling, hydromulching and/or hydroseeding rather than erosion control blankets or mats to reduce risk to wildlife. If erosion control blankets or mats will be used, the product should contain no netting or contain loosely woven, natural fiber netting in which the mesh design allows threads to move, therefore allowing expansion of the mesh openings. Plastic mesh matting should be avoided.
- TPWD recommends placing the force main and associated construction right-of-way to avoid the removal of large trees containing cavities that may serve as suitable roosting habitat for the Rafinesque's big-eared bat.

- To aid in the scientific knowledge of a species' status and current range, TPWD encourages reporting encounters of state-listed species to TXNDD according to the data submittal instructions found at <http://tpwd.texas.gov/txndd>.

#### ***Aquatic State Listed Species***

- TPWD recommends construction methodologies and best management practices to avoid or minimize adverse impacts to aquatic resources, such as boring under streams that may serve as habitat for state-listed aquatic resources and employing appropriate sediment controls.
- If the project would require work within streams, the project may need to be coordinated with TPWD Kills and Spills Team (KAST) for appropriate authorization to ensure protection of aquatic wildlife, see *Aquatic Resources* section below for more information.

#### ***Aquatic Resources***

- To avoid disturbance to streambeds, streambanks, and adjacent riparian vegetation, TPWD recommends boring underneath streams. Where boring would be conducted, TPWD recommends that staging areas for drilling equipment be located in previously disturbed areas or areas of low value habitat. The footprint of disturbance should be reduced as much as possible and crossings should be conducted perpendicular to linear stream and riparian habitats to reduce the amount of disturbance.
- TPWD recommends the City contract personnel minimize disturbance to inert microhabitats such as snags, brush piles, fallen logs, creek banks, and pools as these provide habitat for a variety of wildlife species and their food sources. TPWD recommends allowing natural buffers contiguous to wetlands or aquatic systems to remain undisturbed to preserve wildlife cover, food sources, and travel corridors.
- TPWD recommends that impact avoidance measures for aquatic organisms, including all native freshwater mussel species, regardless of state-listing status, be considered during the project planning and construction activities.
- If construction occurs during times when water is present in streams and dewatering activities or other harmful construction activities are involved (such as placement of temporary or permanent fills), then TPWD recommends relocating potentially impacted native aquatic resources in conjunction with a *Permit to Introduce Fish, Shellfish, or Aquatic Plants into Public Water* and an Aquatic Resource Relocation Plan (ARRP). The ARRP should be completed and approved by the department 30 days prior to activity within project waters and/or resource relocation and submitted with an application for a no-cost *Permit to Introduce Fish, Shellfish, or Aquatic Plants into Public Water*. ARRPs can be submitted to Adam Whisenant, TPWD Region 2 KAST. Please contact Adam Whisenant at 903-566-8387 or [Adam.Whisenant@tpwd.texas.gov](mailto:Adam.Whisenant@tpwd.texas.gov) for more information or to initiate coordination for a permit.

#### ***State Fish and Wildlife Resources***

- TPWD recommends that precautions be taken to avoid impact to Species of Greatest Conservation Need (SGCN) flora and fauna, and natural plant communities when working in Shelby County or if encountered during project construction, operation, and maintenance activities.

The City provided a response to TPWD on July 25, 2016 notifying TPWD that the City will heed the recommendations made and will instruct the contractor to follow all recommendations during construction of the project as outlined above.

The United States Fish and Wildlife Service (USFWS) was afforded the opportunity to review this project. USFWS states that the only threatened or endangered species known to occur in Shelby County as relevant to the project is the endangered red-cockaded woodpecker, which is not expected to occur in urbanized areas. Based on coordination with TPWD and USFWS, the proposed project is not likely to impact threatened or endangered species or habitat known to occur in Shelby County.

This decision is allowed because the specified project elements should not entail significant adverse impacts to the quality of the human environment. Documentation supporting this determination is on file at the TWDB.

This determination may be rescinded if it is found that:

- (1) The project no longer meets the requirements for a CE as a result of changes in the project;
- (2) The project involves extraordinary circumstances as defined in 31 TAC Section 375.61; or
- (3) The project may violate or has violated federal, state, local, or tribal laws.

The project also must comply with the following conditions:

- As per agreement with Texas Parks and Wildlife (TPWD Project No. 36811), and in order to ensure compliance with the Migratory Bird Treaty Act, the City agrees to survey the construction area to ensure that no nests with eggs or young will be disturbed by construction if clearing during the nesting season is unavoidable. Any vegetation or bare ground area where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.
- The City will use directional drilling to avoid waters of the United States, including wetlands;
- Standard emergency condition for the discovery of cultural resources; and,
- Standard emergency condition for the discovery of threatened and endangered species.

Comments regarding this determination may be submitted to the Director of Regional Water Planning and Development, Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231.



NOTE: MAP DATA OBTAINED FROM THE 7.5 MINUTE USGS MAP OF THE CENTER, TEXAS QUADRANGLE (PROVISIONAL EDITION 1984).

